



Department of Toxic Substances Control



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October 30, 2015

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SUPPLEMENTAL REPORT TO THE 2014-2015 END OF YEAR REPORT FOR THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) GRANT

Dear Ms. Gorini,

The Department of Toxic Substances Control (DTSC) is submitting a supplemental report to amend DTSC's 2014-2015 RCRA Grant End-of-Year Report. The enclosed report provides an update of DTSC's commitments completed during the period July 1 through September 30, 2015, and an expanded 2014-2015 program assessment.

If you or your staff have any questions, please contact me at (916) 322-2505 or Donn.Diebert@dtsc.ca.gov.

Sincerely,

Donn Diebert, P.E., Chief
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Enclosures

cc: See next page.

Ms. Kelly Gorini
August 27, 2015
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**CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL
RESOURCE CONSERVATION AND RECOVERY ACT GRANT**

**Supplement to the 2014-2015 End-Of-Year Report
Reporting Period: July 1, 2014 - September 30, 2015**

INTRODUCTION

The Department of Toxic Substances Control (DTSC) reported on progress toward meeting Resource Conservation and Recovery Act (RCRA) Grant commitments in the 2014-2015 End-of-Year Report, submitted to the US Environmental Protection Agency Region 9 (US EPA) on August 27, 2015. The program self-assessments in the report included information on DTSC's commitments that were not completed before the end of the reporting period, June 30, 2015. The purpose of this supplemental report is to provide updated information on DTSC's completion of goals and to provide further explanation for the commitments that DTSC did not meet during the reporting period.

ENFORCEMENT

Inspections and Monitoring

DTSC accomplished the majority of the inspections and financial assurance reviews listed in their annual work plan (RCRA Grant Inspection List) for the reporting period. However, 8 of the planned inspections and 19 of the financial assurance reviews were not completed by the end of the reporting period and DTSC committed to complete them by September 30, 2015.

Inspection Commitment Update

Of the eight inspections that were not completed as planned for state fiscal year 2014-2015 (FY 14-15), seven were inspected between July 1 and September 30, 2015, and one was removed from the list due to an error in reporting. The inspection details are shown in the following table.

Financial Assurance Review Commitment Update

Of the 19 financial responsibility reviews that were not completed by the end of FY 14-15, 16 were completed by September 30, 2015.

The number of RCRA Grant inspections conducted after June 30, 2015 and the total inspections completed through September 30, 2015 are shown in the table below.

RCRA FUNDED INSPECTIONS PLANNED AND CONDUCTED JULY 1 2014-SEPTEMBER 30, 2015							
Inspection Type	Total Planned	Conducted 7/1/2014 - 6/30/2015	Class I Violations Observed 7/1/2014 - 6/30/2015	Inspections Conducted 7/1/2015 - 9/30/2015	Class I Violations Observed 7/1/2015 - 9/30/2015	Total Inspections Conducted 7/1/2014- 9/30/2015	Total Class I Violations Observed 7/1/2014- 9/30/2015
Treatment, Storage, and Disposal (TSD) Compliance Evaluation Inspections (CEI)	37	40	7	4	1	44	8
Focused Compliance Inspections (FCI) – TSD TSD Hazardous Waste Management Unit Inspections	-	8	1	1	-	9	1
Post-closure (PC) Facility Inspections (CEI)	7	10	1	1	-	11	1
FCI - Groundwater Audit Report Inspection for TSD and Post-closure	-	9	-	-	-	9	-
Groundwater Monitoring Evaluation	-	1	-	-	-	1	-
Generator Inspections (FCI-BIF)	2	1	-	-	-	1	-
Standardized Permits	-	1	-	-	-	1	-
Transporter Inspections	5	24	14	1	-	25	14
Facility Self Disclosures	-	-	-	-	-	-	-
Other Inspections – Follow-Up	-	1	-	-	-	1	-
Totals		95	23	7	1	102	24

PERMITTING

GPRA Permit and Permit Renewal Goals

DTSC's 2014-2015 End of Year Report provided a summary of California's GPRA achievements in the Permitting Program Self-Assessment Report. The following expands on the self-assessment in that report and provides additional information regarding process enhancements in the Permitting Division designed to achieve long-term improvements.

Each year, US EPA sets specific goals for the Grant and GPRA that DTSC is committed to meet. For FY 2014-2015, Permitting and US EPA agreed to a goal of eight Permit/Permit Renewal/Post-Closure/Closure Verifications. DTSC met four of the eight Verifications as outlined below:

Company Name	US EPA ID Number	Type of Commitment	Date Completed
VEOLIA ES TECHNICAL SOLUTIONS LLC RICHMOND	CAT080014079	Renewal	10/7/2014
NAVAL BASE CORONADO MIXED WASTE STORAGE FACILITY	CAR000019430	Renewal	2/2/2015
CROSBY & OVERTON	CAD028409019	Renewal	8/22/2014
ACME LANDFILL	CAD041835695	Post-Closure Permit	5/27/2015

Since the year 2000, DTSC has consistently met the multi-year GPRA goals set by US EPA. This achievement is significant as California has oversight over one of the largest universes of hazardous waste facilities in the nation. Although DTSC did not meet the annual GPRA goal set for FY 14-15, DTSC is committed to meet the multi-year goals outlined in the Multi-Year Strategy.

DTSC did not meet the annual goals due to the unexpected loss of resource allocations available to process permit applications. DTSC redirected significant staff resources to one project, the Exide Technologies facility, to ensure protection of human health and the environment in the communities around the facility. The Exide Technologies facility in Vernon has required Permitting staff and support staff to suspend ongoing annual GPRA goal commitment work in order to ensure those protections. As a result, the target commitment dates could not be met for the suspended GPRA work. DTSC Permitting staff and support staff expended more than 19,000 hours on the Exide project in FY 14-15. However, DTSC anticipates returning allocated resources back to GPRA goal commitment work quickly as additional positions acquired for the Exide work are established.

Multi-Year Strategy

The Multi-Year Strategy Work Plan submitted to US EPA in March 2013 shows targeted facilities for GPRA goals for three years (from 2015 to 2018) of the RCRA Grant cycle. It tracks and projects all facilities and sites for which DTSC has been delegated RCRA authority, including new permits, permit backlogs, permit renewals, post-closure permits, closures, and corrective action. Revisions to the Multi-Year Strategy Work Plan are provided in March of each year. The current version of the Multi-Year Strategy Work Plan was attached to the DTSC 2014-2015 End of Year Report.

Program Improvements

To improve performance in meeting the Multi-Year Strategy Work Plan goals, the Permitting Division has created a Performance Management Approach. One of the elements essential to the implementation of this Performance Management Approach was the development of an Annual Work Plan for FY 15-16. The Annual Work Plan identifies schedules for facility specific major milestones that the Permitting Division has committed to completing during the fiscal year. These commitments are the result of the project schedules that permitting project managers uploaded to EnviroStor for their projects.

In addition to the Annual Work Plan, each Permitting Unit Supervisor has prepared an Operation Plan that includes better monitoring and tracking of progress in meeting the scheduled commitments. At the end of the fiscal year, the Permitting Division will compare the number of completed milestones with the number of planned commitments for the same milestone in the Annual Work Plan. This comparison is one of the factors that the Permitting Division will use to evaluate its overall performance for the fiscal year.

Permitting Enhancement Work Plan

To improve the Permitting Program, the Permitting Division created a Permitting Enhancement Work Plan. A number of critical permitting enhancements were completed and implemented in 2015 to achieve long-term improvements in the permitting process. These enhancements include:

- 1) Establishing clear processes and procedures for coordination between DTSC internal programs and shared services.
- 2) Multiple technical training sessions on permitting, including permit modifications, tank assessments, and landfill design.
- 3) Development of new procedures for quality control reviews by supervisors, peers, and others.
- 4) Lean Six Sigma study of the Notice of Deficiency (NOD) process, and development of preliminary guidance for interfacing with the applicant to reduce

and clarify NODs.

5) Workshop to update the baseline permitting process flowchart to an improved process.

6) Formation of the Permitting Advisory and Resolution Committee (PARC), to resolve technical and regulatory issues that are otherwise an impediment to permitting progress.

The senior permit writers and other key staff have supported these efforts to improve the permitting program within DTSC. Other actions included use of a new Access database checklist tool to evaluate applications and track progress through the Technical Review process, updates to the Permit Writer's Manual, development of potential enhancements to the public outreach process, development and initial use of new procedures for determining when a facility should be denied a permit on the basis of compliance history and/or Notices of Deficiency.